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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT TACOMA**

10 **KYLIE STEELE,**

11 Plaintiffs,

12 v.

13 **NATIONAL RAILROAD PASSENGER**
14 **CORPORATION, a/k/a AMTRAK, a**
15 **District of Columbia corporation; and,**
16 **DOES ONE THROUGH FIFTY,**

17 Defendants.

Case No. _____

COMPLAINT FOR PERSONAL
INJURIES

JURY TRIAL DEMANDED

18 Plaintiff Kylie Steele, (“Plaintiff”), by and through her undersigned counsel, and for her
19 claims against Defendant hereby states and alleges as follows:

20 **1. PARTIES**

21 1.1 That at all material times, Plaintiff was and is a resident of King County, State of
22 Washington.

23 1.2 That at all material times Defendant National Railroad Passenger Corporation,
24 a/k/a AMTRAK, a District of Columbia corporation, (“AMTRAK”) was and is in the business
25 of operating a system of railroad tracks in the state of Washington, and that said system included

1 lines of track within the District where this action is filed. That AMTRAK owns and operates
2 AMTRAK Cascades Train 501 operating between Seattle, Washington and Portland, Oregon.

3 1.3 Doe Defendants 1-50 are fictitiously-named persons or entities that, on information
4 and belief, owned, planned, designed, built, financed, approved, inspected, maintained, and
5 repaired the line of tracks at the Point Defiance Bypass, Lakewood Subdivision, Dupont,
6 Washington, where AMTRAK Cascades Train 501 derailed on December 18, 2017. The true
7 names and identities of these defendants are presently unknown and unavailable to Plaintiff. If and
8 when the true names and identities of these defendants are ascertained through further investigation
9 and discovery, Plaintiff reserves the right to substitute the proper names of such persons or entities,
10 and such substitution shall relate back to the date of this Complaint.

11 1.4 Doe Defendants 1-50 are fictitiously-named persons or entities that, on information
12 and belief, designed, manufactured, supplied, purchased, inspected, maintained, repaired and
13 operated the locomotive and passenger and sleeper cars making up AMTRAK Cascades Train
14 501, and all components and parts thereof; and provided training related to the train and the track
15 at issue. The true names and identities of these defendants are presently unknown and unavailable
16 to Plaintiff. If and when the true names and identities of these defendants are ascertained through
17 further investigation and discovery, Plaintiff reserves the right to substitute the proper names of such
18 persons or entities, and such substitution shall relate back to the date of this Complaint.

19 1.5 Plaintiff is informed, believes and alleges that each of said Defendants are
20 responsible in some manner for the events and legally caused injuries and damages alleged herein
21 and Plaintiff will seek leave to amend this complaint to allege the true names and capacities as
22 they become known or are discovered.

1 3.5 That on December 18, 2017, AMTRAK Cascades Train 501 was unable to
2 negotiate the curve at the bridge crossing I-5 due to excessively high speed, and the train derailed
3 resulting in scores of injuries and deaths.

4 3.6 As a result of the derailment, Plaintiff was propelled violently into the seatback
5 ahead of her, suffering severe and permanent injuries including, but not limited to, a concussion
6 and post-concussive injuries, other injuries to her head, neck, and the bones, muscles, tissues,
7 nerves, ligaments and internal parts thereof;

8 3.7. That in 2008, Congress enacted the Rail Safety Improvement Act (RSIA) which
9 required passenger railroads to install a Positive Train Control System on its trains by the end of
10 2015.

11 3.8 That the Positive Train Control system was designed to increase safety and
12 prevent derailments.

13 3.9 That at all material times, AMTRAK was authorized and provided with a Positive
14 Train Control system; that this system was not operable on AMTRAK Cascades Train 501 at the
15 time of the December 18, 2017 derailment.

16 3.10 That at all material times, AMTRAK knowingly and intentionally failed to utilize
17 an operable Positive Train control system on AMTRAK Cascades Train 501.

18 3.11 Based upon information and belief, on December 18, 2017, Amtrak released the
19 AMTRAK Cascades Train 501 knowing it had experienced an electrical system failure that day,
20 and further that the rear locomotive unit electrical linkage was not connected or properly linked,
21 which made the rear unit unavailable for additional braking effect, and that at the time of the
22 crash the rear unit likely acted to push into the rear passenger cars, and cause further harm to the
23 train and occupants.

